

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TONY RIPPETO, et al.,

Plaintiffs,

vs.

KEITH JOHNSON, d/b/a JOHNSON
COLLISION REPAIR, INC.,

Defendant.

Case No. 4:10CV463 CDP

MEMORANDUM AND ORDER

In this action for unpaid benefits under Employee Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1132, I entered default judgment against defendant Keith Johnson, d/b/a Johnson Collision Repair, Inc., in May of 2010 in the total amount of \$3917.00 plus post-judgment interest at the legal rate. After plaintiffs encountered difficulties enforcing that judgment, I ordered Johnson to appear at a deposition and produce documents requested by plaintiffs pursuant to Fed. R. Civ. P. 69(a). Upon receipt of that order, Johnson and plaintiffs entered into a payment plan according to which Johnson was to repay his past-due amounts owed to plaintiffs. However, Johnson has failed to make payments according to the parties’ plan, and so plaintiffs now move again to compel him to


appear at a deposition and produce the requested documents. As before, they attach an affidavit and other evidence in support of their motion. Johnson has failed to respond to that motion, and the time for doing so has now passed.

Because I determine that this motion is well taken,

IT IS HEREBY ORDERED that plaintiffs' motion to compel [#15] is granted, and defendant Keith Johnson, d/b/a Johnson Collision Repair, is required to appear for a deposition and to produce the documents requested by plaintiffs on **December 20, 2010**.

IT IS FURTHER ORDERED that the Clerk of the Court shall serve a copy of this Order to Keith Johnson, d/b/a Johnson Collision Repair, Inc., 120 Fox Hill Road, St. Charles, MO 63301.

Failure to comply with the provisions of this Order will result in the imposition of sanctions.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 7th day of December, 2010.